

REMARKS

This Application has been carefully reviewed in light of the Office Action dated June 26, 2006. In order to advance prosecution of this Application, Claims 13-24 have been amended. Applicant respectfully requests reconsideration and favorable action for this Application.

Claims 13-24 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 13-24 have been amended to be directed to a computer readable medium and not broad enough to encompass computer software per se. Therefore, Applicant respectfully submits that Claims 13-24 are in accordance with 35 U.S.C. §101.

Claims 1 and 13 stand rejected under 35 U.S.C. §102(e) as being anticipated by Chuah, et al. Independent Claims 1 and 13 recite in general an ability to receive a time division multiplexed data stream at an ingress end, divide said data stream into a set of fixed sized packets, add a service header to each of said packets, and add an additional header on top of said service header in accordance with MPLS protocols. By contrast, the Chuah, et al. patent is directed only to IP packet transport. The Examiner merely cites a general paragraph from the Chuah, et al. patent to support the ability to receive a time division multiplexed stream as claimed. However, the general paragraph of the Chuah, et al. patent cited by the Examiner merely states that other packet types other than IP packets may be used. Thus, the Chuah, et al. patent fails to disclose a capability to receive a time division multiplexed stream and divide the stream into fixed sized packets as provided by the claimed invention. Therefore, Applicant respectfully submits that Claims 1 and 13 are not anticipated by the Chuah, et al. patent.

Claims 2-12 and 14-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chuah, et al. in view of Armitage, et al. Independent Claim 1, from which Claims 2-12 depend, and Independent Claim 13, from which Claims 14-24 depend, have been shown above to be patentably distinct from the Chuah, et al. patent. Moreover, the Armitage, et al. paper does not include any additional disclosure combinable with the Chuah, et al. patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 2-12 and 14-24 are patentably distinct from the proposed Chuah, et al. - Armitage, et al. combination.

CONCLUSION

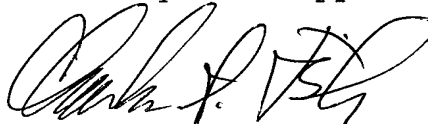
Applicant has now made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

The Commissioner is hereby authorized to charge any amount required or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicant

A handwritten signature in dark ink, appearing to read 'Charles S. Fish', is written over the printed name.

Charles S. Fish

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September 26, 2006

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